United Nations A/HRC/39/NGO/61

General Assembly

Distr.: General
30 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Council of Russian Compatriots (ICRC), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14327(E)
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On the Non-Observance of National Minorities Rights in Ukraine and the Baltic States

We, Russian human rights defenders, appeal to the leadership of the United Nations and the Human Rights Council to exert immediate influence on the governments of the Baltic States and Ukraine to stop the use of force and intimidation against their national minorities. Our goal is to convey to the international community the legitimate demands of the residents of these countries for the freedom of speech and education in their mother tongue, for the enforcement of universal rights and for their personal aspirations.

We would like to draw your attention to the fact that Ukraine and the Baltic States are the traditional place of residence for the Russian ethnic group. This fundamentlly distinguishes these regions from those post-Soviet areas (Central Asia, Transcaucasia), where Russians appeared only as a result of border expansion by the Russian Empire and the Soviet Union. Therefore, the Russian population of Ukraine, Lithuania, Latvia and Estonia is indigenous for these countries. In this regard, we bring to your attention some blatant cases of discrimination against the Russians and the Russian-speaking population.

Thus, the fulfilment of the provisions of the universal Declaration of Human Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the enforcement and protection of human rights, including the right to life, the right to legal protection of constitutional rights and freedoms, the right to use and protect the native language, the freedom of speech, religion, and so on, has deteriorated significantly in Ukraine over the period 2014 to 2018. To date, no investigation has been performed concerning the mass murders of civilians and police officers in February 2014 in Kiev, the burning of dozens of civilians on 2 May 2014 in the Trade Union House in Odessa, and the murders in 2015 of the writer Buzina and the Ukrainian politician Kalashnikov, who both opposed terror and violence in Ukraine. About 200 people are kept in pre-trial detention centres without medical care and without trial for political reasons. More than 900 people, who defended the constitutional rights and freedoms, are missing in action. After 2014, due to the inability to ensure the safety of its participants, the human rights social movement called Russian-Speaking Ukraine, which had representative offices in 18 regions of the country, had to cease its activities. Today, the most active human rights activists of the Russian-Speaking Ukraine are under arrest, and most of them have gone missing or left the country for fear of persecution and punishment. Earlier, over the 6 years of its operation, Russian-Speaking Ukraine published without any hindrance 21 periodic public reports criticizing Ukraine's non-performance of its international obligations in the sphere of protection of fundamental rights and freedoms to the committees and bodies of the UN, OSCE, PACE and Council of Europe.

The Ukrainian authorities directly violate the provisions of Article 10 of the Constitution of Ukraine: '...Ukraine guarantees the free use and protection of the Russian language...' and Article 22: 'When adopting new laws or amending existing ones, the content and scope of existing rights and freedoms may not be restricted'. Instead, the rights and freedoms of national minorities—primarily linguistic ones—are being universally restricted in Ukraine today, despite the Charter on Regional and Minority Languages ratified by the country. This can be seen, for example, in the amendments to the Law on Television and Radio Broadcasting, aimed at a significant (from 20% to 60% as per different points) reduction in the broadcasting in languages other than Ukrainian. This policy has a negative impact on Russian as the most widely spoken language and, to a lesser extent, on Hungarian, Polish, Romanian and other languages. Schools refuse to accept applications from parents and to open classes with instruction in the language spoken by national minorities. A critical situation has developed in Kiev, the capital of Ukraine. Out of Kiev's 519 schools, the instruction in Russian is performed only in seven of them, which is 1.5% of the total number of schools. According to the census, out of 2.5 million Kiev residents, 600 thousand people (that is 25% of the capital residents) named Russian as their native language.

Observing the rights of the Russian-speaking population in the Baltic States, in particular, Latvia and Estonia, is equally grievous.

Estonia refused to comply with the separation agreement signed shortly before leaving the Soviet Union, and deprived of citizenship all non-Estonians, who had arrived to or were born in the country during the Soviet period, that is, about one-third of the total population. They later adopted the Constitution, which legitimized the exceptional status of Estonians. Non-citizens have been deprived of all political and many economic and social rights. They cannot defend their interests in legislative bodies of the country. The system providing the state higher education in Russian was destroyed. A fiscal state structure has been created—the Language Inspection, which monitors the use of the Russian language and limits it. The Estonian Department of citizenship refuses to include the patronymic names in passports of ethnic Russians, while Estonians are allowed to specify their second and third names in their passports. In her time (in February 2010), the Population Minister of Estonia, Urve Palo, admitted that 'the position of Russians in Estonia is very similar to the relatively recent position of black people in America, when they appeared to be citizens of the country,

but did not actually have rights equal to those of the white population...'. The continuing ethnic discrimination of the Russian population in Estonia is also mentioned in a recent report of the international organization Amnesty International for 2017/2018. It notes that ethnic minorities (the vast majority of whom are Russian-speaking people) continue to be discriminated in a range of social and economic rights.

In the neighbouring Latvia, the practice of 'strangling' the Russian language and persecuting Russian-speaking activists also continues. Thus, on 20 April 2018, a well-known human rights activist, scientist and public figure, the co-chairman of the United Congress of Russian communities and the head of the Congress of Non-citizens, Alexander Gaponenko, was arrested in Riga. The human rights activist was arrested on false suspicion of 'activities directed against the state independence of the Republic of Latvia, its sovereignty, territorial unity, state power or state system'. These loud phrases cover the simple posting on social networks of his point of view on the elimination of Russian-language education in Latvia. Now the human rights activist faces 8 years in prison. The goal of Gaponenko's arrest is to intimidate the leaders of the protest movement of Russian-speaking citizens of Latvia against the scandalous Law on Education, which practically destroys the education in Russian language in this country.

The practice of discrimination against the Russian population also applies to the business sphere. It is forbidden for non-citizens of the country, who make up about 15% of the population after 25 years of Latvian independence, to be founders of joint-stock companies. In the distribution of state and municipal orders in Latvia, the main concern is not the price or quality of the goods provided, but the nationality of the owners of commercial firms. As a rule, Russian owners do not receive such orders. The institute of non-citizenship is used by current Latvian authorities for the large-scale discrimination of the Russian population in the distribution of income and in the professional context. All lawyers, notaries, bailiffs and architects are ethnic Latvians. Under Latvian law, equality and non-discrimination in the prevention of double taxation is guaranteed to Latvians only.

The situation is better in Lithuania, where the Russian minority was able to become citizens of the state. Yet, the reduction of the use of the Russian language still can be widely noted there, especially in the education system. While on 1 September 1991, Lithuania had 85 schools with instruction in Russian, not counting mixed schools, attended by about 76,000 students, by 2018 there are only 32 schools left with around 14,500 students attending them (a little more than 1% of the total number). One more alarming fact can be noted: in July 2018, the Union of the Motherland—Christian Democrats of Lithuania submitted to the Seym a draft law dictating to perform 60% of the academic activity in schools for national minorities in the Lithuanian language after 2023.

Russian human rights activists strongly condemn gross violations of human rights and international law in Latvia, Estonia and Ukraine.

We inform the leadership of the UN Human Rights Council about the lack of an effective mechanism for the rapid and uniform interference with member countries, such as Ukraine, Latvia and Estonia, which systematically violate the rights of the Russian-speaking population.

We believe that this kind of national policy on the part of the leadership of those countries demonstrates a deep gap between their declared allegiance to democratic values and their actual practice.